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PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:

KAZUSHI NOMURA

Application No.: 09/955,137

Filed: September 19, 2001

For: ELECTRON-EMITTING DEVICE,
ELECTRON SOURCE, IMAGE
FORMING APPARATUS, AND
ELECTRON-EMITTING
APPARATUS

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Examiner: P. J. Macchiarolo

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Group Art Unit: 2875

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October 4, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THIRD INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449. Copies of the documents listed and a copy of a Japanese Official Letter citing these documents are enclosed. The Japanese Official Letter was issued in a foreign counterpart application.

10/06/2004 RFEKADU1 00000061 09955137

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Document JP 5-274997, which is cited in the Japanese Official Letter, is not listed on the Form PTO-1449, because that document is already of record. However, a further copy of that document is submitted herewith merely for the Examiner's convenience in interpreting the Japanese Official Letter, which, as pointed out below, cites a particular portion of the document.

Applicant represents that the Japanese Official Letter states, in a section that has been marked ① for the Examiner's convenience, the following:

*①

“The reason for rejection ②:

The present invention as defined in the claims can be readily deduced by those skilled in the art in view of a technique described in the following documents published before the filing of the present application.

Cited References

Reference 1: JP 05-152640

Reference 2: JP 05-274997

Reference 3: JP 08-264107

Claims 1-9 have been rejected in view of the References 1 and 2.

Note:

The reference 1 discloses, in particular, in paragraphs [0038] - [0040] and Figs. 6-7, and the Reference 2 discloses, in particular, in paragraph [0019], an electron-emitting device wherein a first electrode, a second electrode and an electron-emitting film are disposed so that a height increases in order atop of a substrate, the first electrode, the electron-emitting film and the second electrode. And, the Reference 3 discloses an electron-emitting device with an anode disposed at atop of the device, and a flat display apparatus comprising the electron-emitting device.

All of the three References relate to the electron-emitting device. Accordingly, based on a suitable combination of techniques disclosed in the References 1-3, addition of a well-known technique, and a design change, the present invention defined in claims 1-9 can be readily deduced by those skilled in the art.”

Paragraphs [0038] - [0040] of "reference 1" and [0019] of "reference 2" are marked with ② and ③, respectively, in the attached copies of those references, and English translations of those paragraphs also are attached to the corresponding references.

For the concise statement of relevance of non-English document 08-264107, the Examiner is respectfully referred to the English abstract attached thereto.

For the concise statement of relevance of non-English document 05-152640, the Examiner is respectfully referred to the English abstract attached thereto, and to English counterparts U.S. Patent 5,757,344 and GB 2 260 641 A, submitted herewith merely to supply a concise statement of relevance.

Lastly, for the concise statement of relevance of non-English document 05-274997, of record, the Examiner is respectfully referred to English counterpart U.S. Patent 5,612,587, submitted herewith merely to supply a concise statement of relevance.

For each non-English document, the Examiner also is referred to the above English translation of part of the Japanese Official Letter, and the attached English translations of the relevant paragraphs referred to above.

STATEMENT UNDER 37 C.F.R. § 1.97(e)

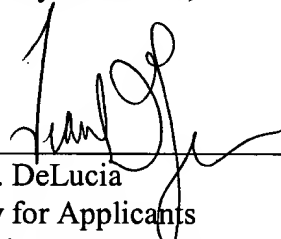
Each item (document 08-264107 and 05-152640) of information cited in this information disclosure statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date of this Statement.

A check in the amount of \$180.00 is enclosed.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank A. DeLucia', is written over a horizontal line.

Frank A. DeLucia
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